

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JANE DOE,

Plaintiff,

vs.

BOARD OF TRUSTEES OF THE
NEBRASKA STATE COLLEGES, a Political
Subdivision of the State of Nebraska;

Defendant.

8:17CV265

MEMORANDUM AND ORDER

This matter is before the Court on the opposition of defendant Board of Trustees of the Nebraska State Colleges (“the Board”), [Filing No. 230](#), to the plaintiff’s appeal, [Filing No. 229](#), of the Magistrate Judge’s order regarding the testimony of Robin Bila. The Court has considered the Board’s position and finds its objections should be overruled. The Court is not persuaded by the Board’s argument and stands by its earlier order. See [Filing No. 231](#). Because the defendant has had an opportunity to depose the witness, the Board has not demonstrated that allowing Ms. Bila to testify as a fact witness at trial will result in prejudice or unfairness. Accordingly,

IT IS ORDERED THAT the defendant’s opposition ([Filing No. 230](#)) to the plaintiff’s appeal of the Magistrate Judge’s order regarding the testimony of Robin Bila is overruled.

Dated this 29th day of November 2021.

BY THE COURT:

s/ Joseph F. Bataillon
Senior United States District Judge